

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| Root, Inc., et al., | : | |
| | : | Case No. 2:23-cv-512 |
| <i>Plaintiffs,</i> | : | |
| | : | Chief Judge Sarah D. Morrison |
| v. | : | |
| | : | Magistrate Judge Elizabeth Preston Deavers |
| Silver, et al., | : | |
| | : | |
| <i>Defendants.</i> | : | |
| | : | |

**DECLARATION OF ELIZABETH S. ALEXANDER IN SUPPORT OF
PLAINTIFFS' MOTION TO COMPEL DISCOVERY**

I, Elizabeth S. Alexander, declare in support of the Motion to Compel Discovery filed by Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Plaintiffs” or “Root”) against Defendant Brinson Caleb Silver in the above-captioned matter:

1. I am an attorney at Vorys, Sater, Seymour and Pease LLP (“Vorys”) and represent Plaintiffs in the above-captioned matter.
2. I make this statement based on my personal knowledge, information, and belief.
3. Root served Brinson Caleb Silver with its First Set of Discovery Requests on February 17, 2023.
4. Root’s First Set of Discovery Requests to Silver included requests for production, requests for admission, and interrogatories.
5. Counsel for Root agreed to counsel for Silver’s request for an extension of time to respond to Root’s discovery requests from June 2, 2023 to June 16, 2023.
6. On June 16, 2023, Silver served on Root its responses and objections to Root’s discovery requests but did not produce documents. (June 16, 2023 Email Chain, attached hereto as Exhibit 1.)

7. Root's counsel contacted Silver's counsel via electronic mail requesting the documents on June 16, 2023. (Ex. 1.)

8. Three days after the discovery deadline, on June 19, 2023, Silver's counsel informed Root via electronic mail that their production of documents was predicated on the Court's decision to grant or deny attorney fees to Silver's counsel. (Ex. 1.)


9. On June 19, 2023, Root's counsel sent a letter to Silver's counsel noting the Court's deadline of June 16, 2023 to produce documents and seeking an explanation for Silver's failure to produce documents. (June 19, 2023 Letter, attached hereto as Exhibit 2.)

10. On July 26, 2023, after Silver's counsel withdrew representation, Root sent a letter directly to Mr. Silver informing him that he must produce documents. (July 26, 2023 Letter, attached hereto as Exhibit 3.)

11. To date, Silver has not produced all documents responsive to Root's requests for documents production. Silver has also failed to respond to Root's inquiries regarding production.

12. Root certifies that it has attempted in good faith to resolve this discovery dispute with Silver before filing its motion.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 13, 2025.


Elizabeth S. Alexander